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S/1997/351
5 May 1997

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LETTER DATED 5 MAY 1997 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In its presidential statement of 11 March 1997 (S/PRST/1997/12), the Security Council asked me to keep it informed about the follow-up to the incident on 10 February 1997 in Mostar, in which one person died and others were wounded in a violent assault against a group of civilians.

Pursuant to this request, and supplementing the information provided to the Council by the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina (see S/1997/310 of 14 April 1997), I have the honour to attach the executive summary and the conclusions of a report, issued on 26 March 1997, entitled "Mostar - Human rights and security situation, 1 January-15 February 1997". The report was prepared by the International Police Task Force (IPTF) and the Human Rights Coordinating Centre at the request of the principals of the major international implementing organizations. Its full text is available in the files of the Secretariat to members of the Security Council upon their request.

In relation to the Council's request to be kept informed about the follow-up to the 10 February incident, I regret to report that, since the letter by the Principal Deputy High Representative of 23 March 1997 (S/1997/256), there has been no further action by the responsible authorities to implement the demands contained in the presidential statement of 11 March 1997. However, the general situation in Mostar has improved in the past six weeks. Evictions from West Mostar have stopped and 100 police officers (50 Bosniacs and 50 Croats) are jointly patrolling the central district of the town. IPTF has also made progress in its negotiations for the establishment of the joint Federation police force in the Neretva (Mostar) Canton.

Members of the Security Council will recall that, in its resolution 1103 (1997) of 31 March 1997, the Council acknowledged "the importance of ensuring that the IPTF is able to carry out all the tasks with which it has been entrusted, in particular those tasks set out in the conclusions of the London Conference" - of which the IPTF investigation into the Mostar incident is a prime example. In the same resolution, the Security Council decided to "consider expeditiously" the recommendations concerning those tasks contained in my report of 14 March 1997 (S/1997/224), which include an increase in IPTF

strength by 120 personnel. I should like to take this opportunity to reiterate my recommendation and to express the hope that the Security Council will find it possible to respond positively to it.

(Signed) Kofi A. ANNAN

Annex

Mostar

Human rights and security situation, 1 January-15 February 1997

Prepared by the International Police Task Force and the Human Rights Coordination Centre pursuant to the request of the principals of the major international implementing organizations on 24 February 1997

I. EXECUTIVE SUMMARY

In their meeting of 24 February 1997 the principals of the major international implementing organizations requested IPTF and the Human Rights Coordination Centre of the Office of the High Representative to submit a report, for consideration by the Federation partners, detailing the incidents preceding and following the violence of 10 February 1997. In his letter of 25 February 1997, the Principal Deputy High Representative stated that the Federation partners "must commit themselves to draw all necessary conclusions [from this report], including personal consequences for all officials and police officers who have failed to perform their duties". The decision to produce this report followed the finding in the earlier IPTF investigation report dated 24 February 1997, which stated that police and civil authorities on both sides of the city failed to respond effectively to security and human rights incidents that occurred in connection with and following the 10 February 1997 violence. The period of review was from 1 January to 15 February 1997. The nearly 200 incidents which occurred during that period are the subject of this report.

From 1 January to 10 February 1997, there were a substantial number of acts of violence, including assaults and explosions, in Mostar. These, along with violations of human rights and freedom of movement, contributed to a growing environment of lawlessness throughout the area. Residents of both east and west Mostar, as well as travellers to and from the city, were subjected to criminal attacks, some of which appeared to involve organized criminal elements operating in the city. In the 28 recorded cases of such threats and assaults, both Bosniacs and Croats were victims in equal proportion. In addition, over the 41 days of this period, there were more than 40 explosions and firing incidents, and 6 illegal evictions. In a number of these incidents, local police were implicated either directly or through failure to act. There were few arrests from 1 January to 15 February of those who committed these acts of violence.

These events followed a pattern of incidents that had been occurring during the previous year. While there has been an ebb and flow of violent events from week to week, with some peak periods and some periods of lesser activity, the general environment in Mostar has been one of unchecked violence, with little police or political action being taken to create a sense of normalcy, peace and security. The incident on 10 February 1997 was, therefore, not the logical culmination of a steadily increasing level of violence but instead was a particularly egregious consequence of the lawlessness which has been permitted to flourish in Mostar.

The 10 February incident became, however, the excuse for two series of abuses which were different in scale from the more sporadic acts which preceded them. In a period of less than five hours, 22 cases in which Croat travellers were stoned, threatened, robbed or assaulted occurred on the M-17 highway. In nearly half of these cases, east Mostar police were reported to have been either directly responsible for the violence or to have failed to respond appropriately to actions by Bosniac civilians. Beginning that same afternoon and continuing into the evening, 23 Bosniac families were forcibly evicted from their homes in west Mostar, and a number of other attempted forced evictions were reported. These evictions occurred in a localized geographic area and appeared to be the work of well-organized criminal groups. In many cases, victims reported that the perpetrators identified themselves as police or special police.

There have been six arrests relating to two of the incidents on the M-17, including one off-duty police officer, but no prosecutions in the remaining 20 cases. While those who were illegally evicted were quickly returned to their dwellings, there have been no arrests of those responsible for the pattern of evictions which occurred on the night of 10 February. Although there is evidence of police involvement with respect to a number of the criminal acts of violence and eviction which followed the 10 February incident, little substantive investigation or action has been taken to identify the police responsible, and to hold them accountable for their actions.

Indeed, the police have consistently failed to investigate crimes involving persons of a different ethnicity or, alternatively, to arrest suspects of their own ethnicity. It is clear that the police leadership, in both east and west Mostar, has failed to provide adequate protection to persons living and travelling in the city. The police have often appeared to be simply instruments of the political establishment, enforcing restrictions on freedom of movement while permitting those who commit acts of violence to remain free from prosecution. When Mostar police have intervened to address criminal behaviour, their actions have usually been limited at best to returning the situation to the status quo ante rather than arresting those responsible for inter-ethnic violence. The ability of the police to perform their basic duties, including investigation of crimes, is also severely hampered by the fact that the east and west Mostar police do not even share rudimentary information regarding criminal offences, much less cooperate in responding to them. The police failures have been so substantial that there has been virtually no professional police protection for a population of east and west Mostar that has come to live in fear of violence and harassment.

The failures in Mostar involve political authorities as well as police. The absence of functioning local institutions is a crucial factor. Instead of initiatives to address Mostar's problems, the political leadership relies on a continuous flow of invective directing blame at "the other side". The actions of political leadership have had a direct impact on tensions in the city and the atmosphere of divisiveness between the parties. The death of an elderly woman after she was evicted from her flat, the start of construction on the Croat national theatre, the televised burning of a Croat flag, the placing of "sleeping policemen" on the Bulevar by east Mostar police, and the continued threat, eventually acted upon, to remove local police officers from the Unified Police Force of Mostar, have added to tension in a city where violence has

become the norm. Irresponsible and inaccurate reporting by the local media, often inflammatory and with a strong ethnic bias, has contributed to the instability of the Mostar environment. The political leaders of Mostar have capitalized on these shortcomings, using the media to further their own agendas.

This summary of the incidents during the period from 1 January to 15 February 1997 shows a city gripped by ethnic tension and outbreaks of violence, unchecked by responsible police or political action. It cannot be permitted to continue. Police must accept their responsibility to protect all citizens, regardless of their ethnicity. Those who commit criminal acts must be arrested and prosecuted to the fullest extent of the law. As a first step, the integrated cantonal police force must be established as agreed by with all urgency, and full participation in the United Police Force of Mostar is required until that force is operational. At the same time, the political leadership must commit itself to building a stable environment, in which there is freedom of movement, freedom from harassment, and strong, effective, integrated institutions. The establishment of functioning local institutions is a crucial step to ensuring that problems are addressed when they occur, before they escalate or invoke retaliation. Working together, the political authorities and police of Mostar will be able to ensure that the security concerns of all citizens are properly addressed.

II. CONCLUSIONS

This review of events preceding and following the 10 February incident portrays a city troubled by intra-ethnic violence, and a political and police leadership not unable, but unwilling to intervene. From 1 January to 10 February, there were substantial abuses of freedom of movement on routes within and through the city, the security climate was tense due to a concentrated series of shooting incidents and explosions, and frictions had been exacerbated by several well-publicized events (including the death of an elderly woman following an eviction, the start of construction on the National Theatre, televised burning of a Croat flag, and the construction of sleeping policeman on the Bulevar). The events of 10 February, however, stand out starkly in their intensity and consequences from prior incidents. Tensions were certainly high immediately prior to 10 February 1997, but Mostar has experienced similar periods of heightened security concerns that have subsided without culminating in such violence.

In the period prior to 10 February 1997, the political and police authorities in Mostar did not take any notable steps to defuse growing tensions - just the opposite. The leadership on both sides of the city instead engaged in its familiar pattern of name-calling and destructive tit-for-tat measures. Both sides attempted to exploit security incidents to their advantage, rather than addressing their causes and consequences in a collaborative, constructive manner. For example, west and east Mostar authorities exacerbated the fears generated by shooting incidents and explosions. Rather than investigating and prosecuting those responsible for forced evictions or dealing responsibly with attacks on the M-17 between Capljina and Mostar, the west Mostar media and leadership painted a picture of the Croat community under attack. Threats and injuries faced by Bosniacs were

ignored. East Mostar authorities, rather than effectively addressing concerns over stonings and explosions near the Bulevar, aggravated the problem by erecting "sleeping policemen".

In this context, the actions of the Mostar authorities with regard to the cemetery visit on 10 February also raise questions. The IPTF report conclusively finds that the west Mostar authorities were formally notified concerning the planned visit. Nevertheless, under the tense circumstances which then existed in Mostar, the east Mostar leadership could have handled the visit more responsibly, including by informing the appropriate political authorities, as well as making technical notifications. For example, Deputy Mayor Orucevic did not notify the Office of the High Representative (South) despite opportunities to do so on or before the planned cemetery visit, although Orucevic has since acknowledged that the event might be difficult given the existing political climate. Of course, this omission in no way excuses the criminal response to the visit by certain west Mostar police documented in the 24 February IPTF investigation report, or the current failure of the authorities to investigate, brought to trial before an independent and impartial court and prosecuted to the full extent of the law.

Events in Mostar from 1 January to 15 February 1997 amply demonstrate a failure by both the political authorities and police to act responsibly and effectively in providing security for all citizens. At the heart of the issue is the failure of the local authorities and the police to work together and to build common structures and institutions to ensure the well-being and security of all Mostar citizens. For the abuses identified in the report to be addressed, functioning police and political institutions must be established in Mostar.

The ability of the Mostar police to fulfil the most fundamental policing responsibilities is severely hampered by the failure of the east and west Mostar police to cooperate with each other. The fact that it was only the efforts of the team preparing the report which led to the east and west Mostar police exchanging their reports of incidents which occurred to Bosniacs and Croats respectively is indicative of the problem. Police on both sides, with the leadership and full support of political authorities, must work together on the ground by sharing information and liaising to anticipate and deal with future incidents. They must investigate and act on the criminal incidents prior to, on and after the 10 February incident. In particular, the series of attacks on the M-17 and the wave of illegal evictions in west Mostar which occurred immediately following the 10 February incident must be thoroughly investigated by the east and west Mostar police. In the course of these investigations, particular attention must be paid to the role of the police, including an in-depth look, followed by timely and appropriate response, concerning all allegations of police involvement in criminal acts, or failure to respond adequately to crimes committed by others. Police leadership must be made professional, and police officers responsible for wrongful acts removed.

Finally, police on both sides of the city, with conscientious and sustained support and oversight by political authorities and the media, must now carry out in full the instructions of the Federation government with respect to restructuring and reconfiguration as a single cantonal force with all urgency.

In the interim, full participation in the United Police Force of Mostar is required.

But it is not only the police force which must be integrated in order to address the abuses described in the report. The events in Mostar from 1 January to 15 February 1997 amply demonstrate that the failure of the political authorities of Mostar to be both responsible and effective threatens the security of all Mostar's citizens. Functioning local institutions must be established which will effectively address incidents when they occur, rather than allowing problems to fester until "payback time". The leaders of Mostar must communicate directly with each other, and appear together in the local media, rather than addressing their to international interlocutors and using the media only as a means to further their own political objectives. Only through the proper functioning of Mostar's government, including the interior ministry and police, will all citizens of the city be properly protected and served.

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LETTER DATED 5 MAY 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that violations of Iraq's airspace by United States, British and French aircraft continued over the period 16 to 30 April 1997 and that the aircraft in question carried out reconnaissance and engaged in acts of provocation, as set forth in the annex hereto.

You are requested to intervene with the countries in question with a view to bringing a halt to actions that, as flagrant violations of the Charter of the United Nations and the provisions of international law, pose a threat to the sovereignty and territorial integrity of the Republic of Iraq.

These actions continue to alarm the civilian population and to cause serious damage to private and public property. The Republic of Iraq affirms its right to seek legal compensation for the damage being inflicted on the Iraqi people and the Iraqi State by these actions.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

97-11795 (E) 060597 060597 070597

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Annex

Violations of Iraq's airspace and damage caused, 16-30 April 1997

1. In the northern region 90 sorties were flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 9,000 metres, over the following Iraqi cities and towns: Mosul, Irbil, Dohuk, Amadiyah, Zakho, Aqrah, Tall Afar and Sinjar.

2. In the southern region 659 sorties were flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 9,000 metres, over the following Iraqi cities and towns: Nasiriyah, Samawah, Amarah, Qurnah, Shinafiyah, Diwaniyah South, Artawi, Busayyah, Salman, Shatrah, Jalibah, Rumaythah, Lasaf, Chabaish, Uzayr, Qala't Sukar, Rahhaliyah, Shu'aybah, Hamzah, Ali Al-Sharqi, Rifa'i, Hayy East, Qala't Salih and Ushbayjah.

3. On 10 occasions United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated the Republic of Iraq's airspace in the southern region before leaving in the direction of Kuwait.

4. At 1119 hours on 17 April 1997, a United States formation consisting of four aircraft broke the sound barrier over the city of Basrah.

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LETTER DATED 5 MAY 1997 FROM THE PERMANENT REPRESENTATIVE OF TAJIKISTAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you a message dated 1 May 1997 from the participants in the meeting of the Government, the Majlis -i Oli (Parliament) and representatives of the public in Tajikistan to the Heads of State and Parliaments of the countries of the Commonwealth of Independent States.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Rashid ALIMOV
Ambassador
Permanent Representative of Tajikistan

97-11801 (E) 060597 060597 070597

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Annex

Message from the participants in the meeting of the Government, the Majlis -i Oli (Parliament) and representatives of the public in Tajikistan to the Heads of State and Parliaments of the countries of the Commonwealth of Independent States, issued in Dushanbe on 1 May 1997

The Government of Tajikistan, headed by President Emomali Rakhomonov, is firmly pursuing a course of establishing peace and civil harmony and ensuring social progress in our country. The foundations of a democratic State ruled by law are progressively being laid in Tajikistan.

The visible achievements of this newly independent State in this direction are not to the liking of those who, in pursuit of their own ambitions and self-interest and seeking to achieve power by any means, eschew no shady enterprise or intrigue, and even resort to terror.

The attempt on 30 April 1997 on the life of the President of Tajikistan, a man who has made it his main objective to achieve peace and national harmony in Tajikistan, aroused anger and indignation not only in our country, but also abroad. The heads of a number of States of the Commonwealth of Independent States and other foreign countries sent telegrams in support of President Emomali Rakhomonov.

Terrorism, as a crime against mankind, is condemned by all peoples of the world, including the people of Tajikistan, which has in recent years experienced for itself the bitterness and pain of the losses this terrible phenomenon brings with it. Terrorism acknowledges no State and national borders, and is particularly dangerous in that it is directed against the highest of values, namely life. The terrorist act committed on 30 April claimed 74 victims, 2 of whom were killed.

The history of international terrorism testifies to the fact that, unfortunately, the criminals frequently escape justice by going into hiding in other countries.

We, the participants in the meeting of the Government, the Majlis -i Oli (Parliament) and representatives of the public in Tajikistan call on all the Heads of State and Parliaments of the countries of the Commonwealth of Independent States to join forces to halt the activity of terrorists, detain them in the territory of their countries and hand them over to be put on trial.

Only by combating international terrorism together will we be able successfully to resist this crime against mankind.

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IDENTICAL LETTERS DATED 6 MAY 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 6 May 1997 addressed to you by Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning continuing Turkish acts of military aggression against Iraq's territory and airspace.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

97-11944 (E) 070597 070597 080597

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Annex

Identical letters dated 6 May 1997 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General and to the President of the Security Council

I refer to my letter of 15 April 1997 concerning the continuing violations of the territory and airspace of the Republic of Iraq being committed by Turkish armed forces (S/1997/318, annex) and should like to inform you that, on a variety of pretexts, such forces are still engaging in military operations inside Iraq's territory and in its airspace. The particulars are set forth hereunder.

1. The Turkish armed forces in the border strip, consisting of some 100,000 to 120,000 troops and large numbers of armoured personnel carriers and tanks, have begun preparations for an offensive against locations inside Iraqi territory. The movement of traffic, and particularly of Turkish trucks, through the Khabur crossing has been adversely affected because of these same Turkish military concentrations.

2. On 27 April 1997 units of the Turkish armed forces penetrated into the territory of the Republic of Iraq in the area between Sharanish and Qasrok, and they are still in position inside Iraqi territory. At the same time, Turkish fighter aircraft carried out a heavy aerial bombardment of areas in the border strip.

3. From 1550 hours on 28 April 1997 Turkish aircraft entered the airspace of the Republic of Iraq, and there were nine sorties by Turkish fighter aircraft in the Pibu, Aqrah, Amadiyah and Ayn Siffin areas. This aerial activity ceased at 1740 hours on the same day.

4. From 1105 hours on 29 April 1997 Turkish aircraft entered the airspace of the Republic of Iraq, and there were 10 sorties by Turkish fighter aircraft, penetrating to a depth of 18 kilometres, in the Zakho, Dohuk, Irbil, Mosul North areas. This aerial activity ceased on the same day.

5. On 30 April 1997 units from the Turkish armed forces penetrated into the territory of the Republic of Iraq to a depth of 10 kilometres. On the same day, the Turkish air force formations listed hereunder entered the airspace of the Republic of Iraq at the times indicated and there were four sorties by Turkish fighter aircraft:

(a) At 1120 hours a Turkish fighter aircraft entered the airspace of the Republic of Iraq in the Sharanish and Batufah areas. This aerial activity ceased at 1138 hours on the same day;

(b) At 1204 hours a formation consisting of two fighter aircraft entered the airspace of the Republic of Iraq in the Pibu and Amadiyah areas. This aerial activity ceased at 1234 hours on the same day.

In conveying to you the details of these Turkish violations, the Government of Iraq expresses its condemnation of such acts of military aggression. It does so because the practices of the Turkish forces, as represented by their repeated shelling of towns and villages in Iraq and their unlawful incursions into Iraqi territory, are in flagrant violation of Iraq's sovereignty and the inviolability of its territory and airspace, just as they are incompatible with relations of good-neighbourliness, the Charter of the United Nations, the norms of international law and the 1926 Iraq-Turkey boundary agreement. These practices may also undermine stability in the region as a whole, which is suffering primarily from the anomalous situation created by the United States of America and its allies in northern Iraq.

As stated in my previous letter, the Turkish Government bears full international responsibility for the acts of aggression it commits inside Iraqi territory and for all their consequences, regardless of the alleged reasons it gives.

The Government of Iraq reserves its legitimate right under international law to respond to these actions and to seek compensation for the damage caused by these Turkish violations of its territory and its airspace and for the human suffering inflicted on Iraqi citizens by these actions. Through you, it renews its call to the Government of Turkey to reconsider its policy with respect to the situation in northern Iraq, to promote the collaboration of the two countries on the basis of considerations of good-neighbourliness and mutual respect for sovereignty and to eliminate the reasons for the persistence of a situation that jeopardizes the interests of both countries.

As, through you, I reiterate my country's call to its Turkish neighbour to respect Iraq's sovereignty and territorial integrity, I express the hope that the United Nations will meet its responsibilities as laid down in the Charter and that it will halt the intimidation and aggression to which my country is constantly being subjected.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

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ORIGINAL: ENGLISH

LETTER DATED 5 MAY FROM THE CHARGÉ D'AFFAIRS A.I. OF THE PERMANENT MISSION OF ISRAEL TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I refer to the letter dated 4 April 1997 (S/1997/275) from the Palestinian Permanent Observer addressed to the Secretary-General.

The proposition that a State Member of the United Nations "has no authority whatsoever with regard to issues relating to the work of the Security Council of the United Nations" is astonishing and unacceptable.

Regarding the authority to request meetings of the Security Council, Israel is of the view that the clearly established practice pursuant to which only States are entitled to make such requests reflects the provisions of the Charter of the United Nations and the provisional rules of procedure of the Security Council and should continue to be followed.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) David PELEG
Ambassador
Chargé d'affaires a.i.

97-11896 (E) 060597 070597

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LETTER DATED 6 MAY 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you of an incident that took place on 28 April 1997. At 0930 hours on that day, while it was fishing in the Khawr Abd Allah waterway inside Iraqi territorial waters, an Iraqi fishing boat with three persons on board was attacked by a Kuwaiti patrol consisting of two gunboats with armed personnel on board. They fired on the Iraqi fishing boat, and Iyad Hadi Assaf, an Iraqi fisherman, was killed.

I request you to intervene with Kuwait with a view to inducing it to desist from repeated acts of aggression against a State Member of the United Nations that are to be regarded as flagrant violations of the Charter of the United Nations and public international law. I also affirm the right of the Republic of Iraq to seek compensation for the consequences of the act of aggression in question, which took the life of an Iraqi citizen in an unjustifiable manner.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

97-11914 (E) 070597 070597 080597